

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JENNIFER C. BARGAINER,

§

Plaintiff,

§

v.

§ CIVIL ACTION NO. H-10-5069

AMERICAN BUREAU OF SHIPPING,

§

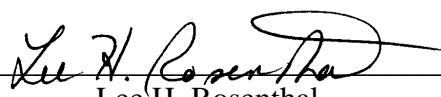
Defendant.

§

**ORDER**

In this employment dispute, the defendant, American Bureau of Shipping, has moved to dismiss, arguing that the plaintiff is judicially estopped from asserting her claim because she failed to disclose it during bankruptcy proceedings. (Docket Entry No. 6). The Fifth Circuit recently heard arguments *en banc* concerning judicial estoppel in bankruptcy cases in No. 08-11098, *Reed v. City of Arlington*. This court will defer deciding the motion to dismiss until the Fifth Circuit's decision. The parties may supplement their briefs no later than 14 days after *Reed* is decided to address the impact of the *en banc* decision.

SIGNED on June 21, 2011, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge